

TITLE 177 HEALTH/LABORATORY SERVICES

CHAPTER 5 FEES FOR DEPARTMENT LABORATORY TESTS AND SERVICES

001. SCOPE AND AUTHORITY. These regulations establish formulas for fees for laboratory tests and services and responsibility for payment pursuant to Nebraska Revised Statutes (Neb. Rev. Stat.) §§ 71-2619 to 71-2621, 71-5301, and 71-5306.

002. DEFINITIONS. Definitions set out in Neb. Rev. Stat. §§ 71-5301 and the following apply to this chapter:

002.01 CHAIN OF CUSTODY. The documentation and other activities done to ensure the identity of a sample and to ensure that no substantial change has taken place in the sample to make it misleading. It includes all those activities that protect the integrity of the sample.

002.02 ELECTIVE TEST. A drinking water sample test which is performed for a reason other than to meet the public water system testing requirements found in Title 179.

002.03 EQUIPMENT. Any tool, instrument, appliance, or utensil necessary to perform the task of analyzing laboratory samples which has a life expectancy greater than two years.

002.04 SAMPLE. A representative portion of any substance submitted to the laboratory for testing.

002.05 TEST. The application of prescribed procedures designed to identify or measure the microbiological, chemical, radiological, or physical characteristics of materials and substances.

003. COMPONENTS OF FEES IN THE FORMULAS. The following are the components used in determining fees.

003.01 COST OF LABOR. The cost of labor is equal to 3 times the cost of the average salary and benefits of Department laboratory employee(s) who conduct the analysis for the period of time required to complete the test. The multiplier is used to account for employee time spent on laboratory related tasks.

003.02 EQUIPMENT COST. Equipment cost is equal to the cost of the equipment divided by the life expectancy of the equipment plus the cost for maintenance and repairs.

003.03 MATERIAL COST. Material cost includes the costs for disposable equipment, reagents, and other items having a life expectancy of less than 2 years.

003.04 OVERHEAD COST. Overhead cost includes actual expenses not chargeable to a particular part of the work or product.

003.05 SAMPLE COLLECTION KIT COST. Sample collection kit cost is the cost associated with the container and chemicals for preservation of samples required to take samples relating to the testing of drinking water, environmental samples, and blood alcohol.

003.06 SHIPPING COST. Shipping cost includes all costs associated with the sample collection kits, mailing containers, sample collection forms and instructions, labor, cost of postage or transportation, and mailroom equipment and anything else necessary to carry out the function of shipping.

003.07 CHAIN OF CUSTODY COST. Chain of custody cost include all costs associated with the documentation and maintenance of samples.

004. FORMULAS AND METHODS FOR DETERMINING FEES. The following formulas and methods shall be used to establish fees for performing laboratory tests and services:

- (A) The formula for shipping is  $\text{Fee} = \text{Shipping Cost} + \text{Overhead}$ ;
- (B) The formula for testing samples of blood for alcohol level is:  
$$\text{Fee} = \frac{\text{Labor Cost} + \text{Materials Cost} + \text{Equipment Cost} + \text{Overhead} + \text{Chain of Custody}}{\text{Estimated Number of Tests}}$$
- (C) The formula for testing routine drinking water samples is:  
$$\text{Fee} = \frac{\text{Labor Cost} + \text{Materials Cost} + \text{Equipment Cost} + \text{Overhead} + \text{Chain of Custody}}{\text{Estimated Number of Tests}}$$
- (D) The formula for testing environmental samples is:  
$$\text{Fee} = \frac{\text{Labor Cost} + \text{Materials Cost} + \text{Equipment Cost} + \text{Overhead} + \text{Chain of Custody}}{\text{Estimated Number of Tests}}$$
- (E) The fees for elective tests are determined using the formula for other similar samples.
- (F) The fee for requests for tests not otherwise covered by this chapter will be the actual costs incurred by the Department.
- (G) If the Department contracts with another laboratory to perform a test, the fee will be the contracted cost plus any related expenses the Department incurs.
- (H) If a request is made to assign higher priority to testing specific samples, and the laboratory workload is rescheduled to accommodate this request, any additional cost for doing so will be added to the fee otherwise determined by this chapter.

005. RESPONSIBILITY FOR PAYMENT. Each person or entity submitting a sample for analysis shall identify who is responsible for paying the fee when requesting a test.